

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M88822  
E/cb

ROBERT A. SPOLZINO, J.P.  
PETER B. SKELOS  
MARK C. DILLON  
JOHN M. LEVENTHAL, JJ.

---

2009-00938

The People, etc., respondent,  
v Ivan Cantillo, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 2424/06)

---

Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered May 17, 2007, as a poor person, and for the assignment of counsel. By order to show cause dated May 14, 2009, the appellant was directed to show cause before this court why an order should or should not be made and entered dismissing the appeal on the ground that the notice of appeal was untimely (*see* CPL 460.10[1][a], 460.30), and the appellant's motion was held in abeyance in the interim.

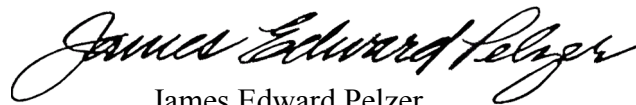
Upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed; and it is further,

ORDERED that the appellant's motion for leave to prosecute the appeal as a poor person, and for the assignment of counsel is denied as academic.

SPOLZINO, J.P., SKELOS, DILLON and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 1, 2009

PEOPLE v CANTILLO, IVAN